of 4

Dated: September 30, 2014 The following is SO ORDERED: \* DISTRICT OF THE

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Jimmy L. Croom
UNITED STATES BANKRUPTCY JUDGE

## UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TENNESSEE

In Re: Chapter 13

GEORGE BRANDON KELLY & BRITTANY LEANN KELLY

Debtor(s) Case No. 14-11252

#### **Order Confirming Plan**

It appearing to the Court that the debtor(s) have filed a plan which has been sent to the scheduled creditors; that at the confirmation hearing it appeared to the Court from the statements of the Chapter 13 Trustee, and the entire record herein that the plan as finalized complies with 11 U.S.C.A. §1325(a) and other applicable provisions of the Bankruptcy Code; and that the plan should be confirmed;

THEREFORE,

- 1. That the debtor's plan, which is attached hereto, is confirmed;
- 2. That the debtors pay into the plan as follows:

Debtor One Direct: GEORGE BRANDON KELLY \$2,400.00 MONTHLY

If this is different from the originally proposed plan, then the Trustee is ordered to enter a separate order changing payment, and further that the debtor(s) future earnings shall remain under the exclusive control of this Court. In the event of dismissal, or conversion, funds held by the Trustee should be paid over to creditors unless otherwise ordered by the Court.

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- 3. All property shall remain property of the Chapter 13 estate under §\$541(a) and 1306(a) and shall revest in the debtor(s) only upon discharge pursuant to §1328(a), dismissal of the case, or specific order of the Court. The debtor(s) shall remain in possession of and in control of all property of the estate not transferred to the Trustee, and shall be responsible for the protection and preservation of all such property, pending further orders of the Court. If the debtor surrenders any property during the pendency of this case, any surplus proceeds following any sale, foreclosure or other disposition of the described property, shall be paid to the Chapter 13 Trustee.
- 4. An attorney fee is allowed in the amount of \$3,000.00.
- 5. That the debtor should be placed on probation from the outset and the case dismissed without further notice to the debtor upon the debtor failing to remit timely payments witout an explanation acceptable to the Court or Trustee.
- 6. Following the bar date to file proofs of claims, the Chapter 13 Trustee may adjust the plan payments as necessary to capture any excess equity.
- 7. If the debtor fails to remit timely payments, the Trustee is to enter an order for payroll deductions.
- 8. Any real estate tax claimants shall be treated as fully secured if the plan proposes to treat them as secured debts. If the debtor(s) surrender(s) any real property during the pendency of this case, the real property will no longer be property of the estate and the automatic stay shall terminate regarding interests of affected real property taxing authorities.
- 9. The balances of any student loans shall survive discharge if the plan indicates same.
- 10. The Trustee may submit an order to the Court adjusting the postpetition regular mortgage payments in which the Trustee is acting as the disbursing agent upon written notice regarding a claim of the type described under 11 USC 1322(b)(5). Plan payments will be increased or decreased according to the adjusted mortgage payment. The mortgage payment adjustment will be based upon the date the written notice is received by the Trustee..

CC: Timothy H. Ivy	/s/ Timothy H. Ivy
	Chapter 13 Trustee

**SEH** 

KEN WALKER WALKER, WALKER & WALKER PO BOX 530 LEXINGTON, TN 38351-0530

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Date:

September 25, 2014

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CHAPTER 13 PLAN (INDIVIDUAL ADJUSTMENT OF DEBTS)

DEBTOR(S) : GEORGE BRANDON KELLY & BRITTANY LEANN KELLY

BK NUMBER : 14-11252

ADDRESS : 590 CLIFF HANGER ROAD 590 CLIFF HANGER ROAD

SAVANNAH, TN 38372 SAVANNAH, TN 38372

PLAN PAYMENT: (DEBTOR 1) \$2,400.00 MONTHLY - Direct Pay

METHOD OF PYMT: DIRECT PAY - First payment due by June 18, 2014.

ADMINISTRATIVE: Pay filing fee, Trustee fee, and debtor's attorney fee pursuant to Court Order.

MONTHLY PLAN PYMT

AUTO INSURANCE:

AUTO INSURANCE ON A 2002 FORD F25 \$87.00

HOME MORTGAGE: If no arrearage, ongoing payments deleted unless

provided for:

BANK OF AMERICA, NA ongoing pmt. begin \$0.00

For: HOUSE & 1.02 ACRE LOT:590 CLIFF HANGER RD., SAVANNAH, TN [debtor acts as disbursing agent]

SECURED CREDITORS: [retain lien 11 U.S.C. 1325(a)(5)(B)(i)]	VALUE	INT RATE	MONTHLY PLAN PYMT
ALLY FINANCIAL-2006 FORD MUSTANG	\$17,042.55	8.25%	\$348.00
SECURED BY AUTOMOBILE - 2006 FORD MUSTA	ANG		
SANTANDER CONSUMER USA INC2014 DODGE D	\$38,785.14	8.25%	\$805.00
SECURED BY AUTOMOBILE - 2014 DODGE DURANGO			
SYNCHRONY BANK	\$5,125.49	8.00%	\$104.00
SECURED GENERALLY - POLARIS FOURWHEEL	ER		
Capital One Finance	\$16,788.00	8.00%	\$341.00
SECURED GENERALLY - POLARIS RAZOR ATV			
STERLING JEWELERS INC DBA KAY JEWELERS	\$5,129.96	8.00%	\$120.00
SECURED GENERALLY -			
HARDIN COUNTY BANK-2002 FORD F25	\$5,410.00	10.00%	\$175.00
SECURED BY AUTOMOBILE - 2002 FORD F25			
[added by proof of claim]			

UNSECURED CREDITORS: Absent a specific court order otherwise, all claims, other than those specifically provided for above, shall be paid as general unsecured debts. General unsecured creditors will receive 100.00%.

BANK OF AMERICA	\$989.00
GECRB/Care Credit	\$800.00
PRA RECEIVABLES MANAGEMENT, LLC. as agent of	\$674.00
For: WCI/SYNCHRONY BANK/HOME DESIGN-SEWING/GECR	3
QUANTUM3 GROUP LLC AS A GENT FOR	\$3,872.33
For: LOWES	
PRA RECEIVABLES MANAGEMENT, LLC. as agent of	\$4,512.70
For: GE CAPITAL RETAIL BANK/WALMART CREDIT CARD	
CitiCorda	\$2,000,00

CitiCards \$2,000.00 ALTAIR OH XIII, LLC \$1,532.67

For: CITIBANK

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PRA RECEIVABLES MANAGEMENT, LLC. as agent of	
For: GE CAPITAL RETAIL BANK/LOWES QUANTUM3 GROUP LLC AS AGENT FOR	\$2,146.87
For: WALMART	
SYNCHRONY BANK	\$137.60
For: OLD NAVY CARD/GEMB/GECRB	
[added by proof of claim]	
PRA RECEIVABLES MANAGEMENT, LLC. as agent of	\$993.00
For: WCI/SYNCRONY BANK/HOME DSGN-FLOORCARE/GECR	RB
[added by proof of claim]	
SYNCHRONY BANK	\$68.29
For: Split Claim POLARIS FOURWHEELER	

TERMINATION: Plan shall terminate upon payment of the above, approximately 60 months.

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